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Docket No. FJ-2000-041 US

### REMARKS

Entry of this Amendment is proper under 37 CFR §1.116, since no new claims or issues are presented and the amendments to the claims merely attempt to address the Examiner's allegation that claims 17, 24, 29, and 36 lack antecedent basis for an adjective "required" and/or to make minor changes for local practice. Further, if the Examiner wishes to maintain the rejection based on Tomat, prior to proceeding to Appeal, it is necessary that the Examiner explain how this rejection currently of record satisfies the plain meaning of the independent claim language, even if the display of canisters shown in Figure 22 were to be considered as indicative of a directory structure.

That is, it is clear that there is no parameter upon which this cannister "directory structure" of Tomat is based, let alone a plurality of parameters for which each parameter serves as the basis for file names in a directory structure, as required by the plain meaning of the claim language.

Applicants submit that, until the Examiner properly addresses on the record how one of ordinary skill in the art could agree that Tomat satisfies the plain meaning of the claim language, the rejection currently of record fails to meet the initial burden of a *prima facie* rejection.

Claims 1-45 are all the claims presently pending in the application. Claims 17, 24, 29, and 36 have been amended to attempt to address the Examiner's objection.

It is noted that the claim amendments are made only for more particularly pointing out the invention, and not for distinguishing the invention over the prior art, narrowing the claims or for any statutory requirements of patentability. Further, Applicants specifically state that no amendment to any claim herein should be construed as a disclaimer of any interest in or

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right to an equivalent of any element or feature of the amended claim.

Applicants gratefully acknowledge that claims 5-7, 16, 21-23, 28, 32-35, and 44 would be allowable if rewritten in independent form. However, Applicants respectfully submit that all of the claims are allowable over the prior art currently of record, as explained below.

The Examiner objects to claims 17, 24, 29, and 36 for lack of antecedent basis. Applicants cannot agree with this objection, since the antecedent basis for the nouns "file names" and "property file names" is clearly provided earlier in the limitation itself. As best understood, the Examiner is concerned with an antecedent basis for the adjective "required". Applicants submit that no antecedent basis is required for adjectives, but, in an attempt to expedite prosecution, have amended the claims to eliminate the possibility of interpretation that antecedent basis is lacking. Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw this objection.

Claims 1-4, 8-14, 17-20, 24-27, 29-32, 36-42, and 45 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Tomat, et al. (U.S. Patent No. 6,784,925). Claims 15 and 43 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Tomat, et al.

These rejections are respectfully traversed in the following discussion.

#### **I. THE CLAIMED INVENTION**

The claimed invention, as exemplarily defined in, for example, independent claim 1, is directed to an image information obtaining method in which an image information receiving end can select a desired image file according to information about directories presented by an image information transmitting end and receives an image of the selected image file.

The method includes, at the image information transmitting end, classifying a

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plurality of images recorded in a recording medium under parameters that represent properties of the plurality of images. Directories are produced, at the image transmitting end, into which to register image files or file names of the classified images in each parameter. File names are registered as required for each image.

In the image information receiving end, a display is provided of at least a portion of a hierarchical tree structure in accordance with the directories, from which can be selected a desired image file of a desired parameter according to the information about the directories produced by the image information transmitting end. An image of the selected desired image file of the desired parameter is received from the image information transmitting end.

Conventional methods do not have the feature of the present invention in which a directory system is set up at the transmitting end (e.g., in the camera). Rather, the directory structure, if any, results due to user manipulation in a peripheral device such as a computer upon which is executing an image process application program such as a photo processing application program.

In contrast, the present invention teaches a method in which the camera itself (e.g., the transmitting end apparatus) has the capability of generating the directory structure. There are several advantages of this novel approach, including the ability to select which of the images are to be selectively received, based, for example, on selecting files having only a specific property (e.g., shooting conditions, etc., in an exemplary non-limiting example).

Another advantage is that the receiving end can be a cellular telephone as modified to interact with the transmitting end. The cellular phone can then forward the image to a printer or Internet server.

That is, one important motivation behind the present invention has been that the virtual directory information comprises smaller amount of data, which then can be conveniently transferred and browsed in the cellular phone. The advantage of this is that the

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transfer of such virtual directory information from the camera ("image information transmitting end") to the phone ("image information receiving end") is faster and consumes less memory especially in the receiving side than transferring/browsing the complete original images.

After selection by the user, the real size image(s) can be pulled to the cellular phone, as necessary. Preferably, the camera also produces thumbnail images and puts this information available to the virtual directories (e.g., see claim 3).

The prior art fails to provide this capability and, indeed, fails to even recognize this problem, let alone provide the unique solution of the present invention.

## II. THE PRIOR ART REJECTIONS

The Examiner continues to allege that Tomat teaches the claimed invention as defined by claims 1-4, 8-14, 17-20, 24-27, 29-32, and 36-42 and renders obvious the invention defined by claims 15 and 43. Applicants again respectfully disagree and submit that there are elements of the claimed invention which are neither taught nor suggested by Tomat, even if the display of Figure 22 were to be considered indicative of a directory structure within the camera.

That is, as best understood from the comments in Paragraphs 3 and 4 beginning on page 2, the Examiner continues to allege that the canisters, each containing up to 50 photo groups, *"... is thought and operated upon as a folder in a directory structure.... The file organization disclosed by Tomat et al. represents a directory wherein the images are files in canisters that are actually folders, in which the files and canisters all belong to a hierarchical structure under the camera memory (root directory)."*

In response, Applicants submit that one of ordinary skill would not agree with the Examiner's characterization of the hierarchical structure shown in Figure 22.

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First, it is noted that one of ordinary skill in the art would not agree that the “camera memory” is equivalent to the term “root directory.” Indeed, a “root file name” is discussed beginning at line 56 of column 11 of Tomat and shown in Figure 13, as being attached to a hierarchical structure in the receiving end (e.g., after downloading the images to the computer), not in the camera.

Second, Applicants submit that the structure shown in Figure 22 does not indicate anything except a listing of four canisters of images sequentially stored as data structures in the camera, each canister having up to 50 images. As even the Examiner describes them, each canister is merely a plurality of photo groups, each photo group comprising an image file and associated sound file (e.g., a data structure mechanism to store images). This description is confirmed at lines 31-34 of column 11, wherein each photo group (e.g., data structure) “... consists of an associated full-resolution image file, an associated thumbnail image file, and associated sound files, if any sound files were created during capture of the photo.”

Applicants further submit that the “PowerShot 600” icon 206 shown in Figure 22 fails to be indicative of a “root directory”, since, to one having ordinary skill in the art, this icon is the device that happens to be attached to the USB port, since it appears in the “My Computer” directory structure. The four icons 208 under the “PowerShot 600” icon 206 is merely a listing of the four canisters currently stored in memory. There is clearly no lower structure in the hierarchical directory structure related to the “PowerShot 600” icon 206, as would have to be present if the four canister were to be considered as each being a directory structure, as alleged by the Examiner.

That is, even if the four canisters 208 were to be considered as four directories stored in the camera, there is no further lower level to this “directory structure”.

Applicants submit that such lower level structure is required in order to satisfy the

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plain meaning of the language of the independent claims.

More specifically, the claim language clearly requires that each parameter used for a property of the images be used to produce directories. This requirement is clearly not met in the structure 192 shown in Figure 22 of Tomat, since it clearly lacks any indication of directories based on “each parameter” that “represents a property of the images.”

Therefore, until the Examiner presents some indication on the record as to how Tomat satisfies such description, the rejection currently of record clearly fails to meet the initial burden of a *prima facie* rejection.

In contrast, as clearly shown in the exemplary camera 10 of Figure 3, the present invention teaches that the information processing device 44 of the image information transmitting end generates the directory structure, as clearly described at lines 16-21 of page 16 and at lines 18-24 of page 20 of the Application.

Hence, turning to the clear language of the claims, in Tomat there is no teaching or suggestion of: “... the image information transmitting end: classifying a plurality of images recorded in a recording medium under parameters that represent properties of the plurality of images; producing directories in which to register image files or file names of the classified images in each parameter; and registering file names as required for each image ....”, as required by independent claim 1. Independent claims 8, 17, 24, 29, and 36 have similar language.

Therefore, Applicants submit that there are elements of the claimed invention that are not taught or suggest by Tomat, and the Examiner is respectfully requested to withdraw this rejection.

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### III. FORMAL MATTERS AND CONCLUSION


In view of the foregoing, Applicants submit that claims 1-45, all the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,

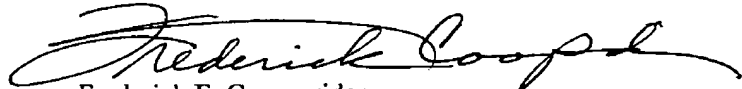
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### CERTIFICATION OF TRANSMISSION

I certify that I transmitted via facsimile to (571) 273-8300 this Amendment under 37 CFR §1.116 to Examiner J. Misleh on September 8, 2005.

  
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